

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA
ex rel. **DANIEL MONTES, JR. and**
ELIZABETH H. HUDSON,

Plaintiffs-Relators,

V.

**MAIN BUILDING MAINTENANCE,
INC., JXM, INC., ROBERT A.
XIMENES, ELVIRA H. XIMENES,
and MARGAUX I. XIMENES,**

Defendants.

CIVIL ACTION NO. 5:16-CV-523-JKP

JOINT MOTION FOR ABATEMENT PENDING MEDIATION

TO THE HONORABLE COURT:

Relator Elizabeth H. Hudson¹ and Defendants Main Building Maintenance, Inc. and JXM, Inc., Robert A. Ximenes and Elvira H. Ximenes, and Margaux I. Ximenes (collectively, “**Defendants**”) file this Joint Motion for Abatement Pending Mediation. In support of this motion, the parties respectfully show:

1. The parties recently conducted over a week of depositions of the parties and certain non-parties. At this juncture, having exchanged expansive discovery, conducted depositions of key witnesses, and obtained additional information from the government in response to certain *Touhy* requests, the parties agree that the case is ripe for mediation.

¹ Relator Daniel Montes, Jr. was dismissed with prejudice by stipulation of the parties on March 28, 2022. *See* ECF No. 104.

2. At this time, due to the schedules of the parties and their counsel, it is anticipated that mediation will be scheduled for a date in early May 2022 to take place in person in San Antonio, Texas.

3. The expert deadline for Relator is on May 2, 2022, and for Defendants is June 1, 2022. The parties desire to avoid the time and expense of preparing expert witness reports or conducting further depositions prior to mediation in hopes that a settlement can be reached and those costs can be avoided altogether.

4. Accordingly, the parties request a stay of the expert deadlines and all other deadlines in the current scheduling order (ECF No. 99) for approximately sixty days, i.e., until June 1, 2022. On or before June 1, 2022, the parties will file a joint status report with the Court informing the Court of the status of any settlement or requesting a new scheduling order.

5. The parties respectfully request that the Court enter the attached Agreed Order of Abatement. This joint request is not made for purposes of delay, but so that justice can be done.

DATED: April 5, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the April 5, 2022, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system and all counsel of record will receive an electronic copy via the Court's CM/ECF system.

/s/ Caroline Newman Small
Caroline Newman Small